

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

PATRICIA MAGUREGUI,

Plaintiff,

v.

ADP, LLC a/k/a ADP, INC.,

Defendant.

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EP-16-CV-00121-FM

**SCHEDULING ORDER**

The court has considered the appearing parties' recommendations for scheduling deadlines in the above numbered and styled cause and issues the following Scheduling Order:

1. The parties shall advise the court whether or not they elect to consent to trial by a United States Magistrate Judge no later than **May 23, 2016**.

Pursuant to 28 U.S.C. § 636(c)(1), all full-time Magistrate Judges are authorized and empowered to try any civil case, jury or non-jury, with the consent of all parties to the lawsuit. Your consent to trial by a Magistrate Judge must be voluntary, and you are free to withhold your consent without suffering any adverse consequences. If all parties consent to trial of this case by a Magistrate Judge, this court will enter an order referring the case to a Magistrate Judge for trial and entry of judgment. If the case has already been referred to a Magistrate Judge for pretrial matters and the parties consent to a trial before a Magistrate Judge, the trial will be before the Magistrate Judge already assigned to the case.

2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties no later than **June 20, 2016**. Each opposing party shall respond, in writing, on or before **July 5, 2016**.

3. The parties shall file all motions to amend or supplement pleadings or to join additional parties no later than **July 5, 2016**.

4. All parties asserting claims for relief shall **FILE** their designation of potential witnesses, designation of testifying experts and list of proposed exhibits, and **SHALL** serve on all parties, but not file, the materials required by FED. R. CIV. P. 26(a)(2)(B) on or before **July 6, 2016**. Parties resisting claims for relief shall **FILE** their designation of potential witnesses, designation of testifying experts and a list of proposed exhibits, and shall **SERVE** on all parties, but not file, the materials required by FED. R. CIV. P. 26(a)(2)(B) on or before **August 22, 2016**. All designations of rebuttal experts shall be filed within **14 days** of receipt of the report of the opposing expert.

5. The parties shall complete discovery on or before **October 4, 2016**. Counsel may, by agreement, continue discovery beyond the deadline, but there will be no intervention by the court except in extraordinary circumstances. No trial date will be vacated because of information obtained in post-deadline discovery.

6. ADR is mandatory. ADR must be completed no later than **November 3, 2016**. The parties shall **FILE** a report on alternative dispute resolution in compliance with Local Rule CV-88 no later than **20 days** after the alternate dispute resolution deadline.

7. The parties shall file all dispositive motions, if any, no later than **December 5, 2016**. Dispositive motions as defined in Local Rule CV-7(c) and responses to dispositive motions shall be limited to **20 pages** in length.

8. All objections to the reliability of an expert's proposed testimony under Rule 702 or Rule 703 of the Federal Rules of Evidence shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, not later than **30 days** after receipt of the written report of the expert's proposed testimony, or not later than **30 days** after the expert's deposition, if a deposition is taken, whichever is later.

9. All transcript requests shall be made, in writing, to Nalene Benavides, Official Court Reporter, by way of regular mail or by hand delivery to Sandra Flores, Judicial Assistant. Phone requests for transcripts will **NOT** be accepted.

10. This case is set for a **JURY TRIAL** before the court on **March 6, 2017 at 1:00 p.m.**, in Courtroom No. 422, Fourth Floor of the United States District Courthouse, 525 Magoffin Ave., El Paso, Texas, 79901. The parties shall file their pretrial submissions in the form set out in Local Rule CV-16(e) not later than **February 24, 2017**.

If any party intends to call more than three deposition witnesses for a total of more than 45 pages of deposition testimony, then the proposed testimony shall be filed four weeks before the trial date. The other parties shall have ten days to file their proposed testimony and objections, if any.

If the parties reach a settlement or otherwise resolve the case, the parties must promptly notify the court.

Parties are encouraged to work out any scheduling conflicts and difficulties in meeting deadlines. Parties can agree to move any deadlines for paragraphs numbered one through five without leave of court, but must **FILE** notification of any such agreement. All other deadlines cannot be moved without leave of the court.

The court expects the parties to strictly adhere to this Order. Failure to do so will result in sanctions to any offending party. Continuances, even if agreed upon by counsel, will be granted rarely. A motion for continuance will only be considered if it is in writing and it is supported by affidavit(s) setting forth its bases.

Before filing any notice of depositions, the movant must contact any and all parties to determine if the requested depositions will be opposed.

All contested notices of depositions will be denied with prejudice unless the movant strictly adheres to the following:

1. Movant serves upon respondent the complete notice of deposition(s);


2. Respondent replies in writing within **seven days** of receipt (**10 days** if served by FAX, U.S. MAIL, or PRIVATE carrier);
3. Parties confer about the response within **seven days** of the response due date. Movant is responsible for scheduling said conference. Respondent's failure to respond or to cooperate will result in sanctions;
4. Within **five days** of the conference, Movant serves a proposed written specific agreement solving the dispute, and when applicable, a specific timetable for compliance;
5. Respondent accepts or declines the proposed agreement within **five days** of receipt (**eight days** if served by FAX, U.S. MAIL, or PRIVATE carrier) or submits a counter proposal; and
6. Steps 4 and 5 are exhausted.

All pleadings shall be filed within the applicable deadlines as set forth in the Local Rules of the United States District Court for the Western District of Texas.

The above procedure must be completed within the timetable set forth by the various deadlines in this Order. It does not apply to motions involving nonparties or to witnesses not employed by the parties or their counsel.

**SO ORDERED.**

**SIGNED** this **22nd** day of **April, 2016**.

  
FRANK MONTALVO  
UNITED STATES DISTRICT JUDGE